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December 23, 2019

VIA ECF

The Honorable Kevin N. Fox.
United States District Court
Southern District of New York
40 Foley Square,
New York, NY 10007

**Re: *Actava TV, Inc., et al. v. Joint Stock Company “Channel One Russia Worldwide”
et al. (18-cv-06626)-Subject Matter Jurisdiction***

Dear Judge Fox:

We represent Defendant Broadcasters and Kartina Digital GmbH (together, “Defendants”) and write to withdraw Defendants’ December 18, 2019 request for a motion to dismiss for lack of subject matter jurisdiction (ECF 138) under Rule 12(h)(3) of the Federal Rules of Civil Procedure. Defendants had sought a briefing schedule on a motion to dismiss for lack of diversity jurisdiction due to Defendants’ belief that Plaintiff Rouslan Tsoutiev was an alien. On December 20, 2019, Plaintiffs submitted a response to Defendants’ interrogatory request concerning Mr. Tsoutiev’s citizenship explaining that Mr. Tsoutiev is a naturalized citizen of the United States and offering to make Mr. Tsoutiev’s American passport available for inspection. Defendants intend to inspect Mr. Tsoutiev’s passport and stipulated with Plaintiffs about amending the pleading to reflect Mr. Tsoutiev’s United States citizenship and domicile. Accordingly, subject to review of Mr. Tsoutiev’s passport and Plaintiffs’ amended pleaded, Defendants’ withdraw the portion of Defendants’ December 18, 2019 letter challenging subject matter jurisdiction. Defendants reserve all rights.

Respectfully submitted,
/s/ Akbar A. Khan